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10/016,001	12/10/2001	Ynjiun P. Wang	T075A	3855

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EXAMINER

JEANTY, ROMAIN

ART UNIT

PAPER NUMBER

3623

DATE MAILED: 07/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/016,001

Applicant(s)

WANG ET AL.

Examiner

Romain J anty

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 16-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Request for Continued Examination

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed (on May 27, 2003) in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 5, 2003 has been entered.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2 and 3, and 16-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hudetz et al (U.S. Patent No. 5,978,773) in view of O'Hagtan et al (U.S. Patent No. 6,314,406).

As to claims 1 and 3, Hudetz discloses:

Providing the customer with a bar code symbol reader (Col. 5, lines 1-5).

Scanning a uniform product code (UPC) bar code symbol (col. 8, lines 38-43); and

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Providing an associated table in a database between the UPC symbol data and an Internet web site address affiliated with the product manufacturer (Col. 7, lines 17-28 and Col. 7, lines 64 through Col. 8, line 10);

Providing the associated web site address to a remote computing device of the consumer for allowing the consumer to make a product information inquiry to said web site address (e.g., displaying a web page having a URL for the user to click on to make a product inquiry)(Col. 7, lines 45-57).

Hudetz does not explicitly disclose providing demographic information about the consumer to the product manufacturer by utilizing the information inquiry. O'Hagan et al on the other hand, discloses a retail customer information system where a customer requests product information and allowing manufacturers to obtain demographics about customer behavior (col. 3, lines 50-55; col. 21, lines 23-57; col. 24, lines 11-57). Therefore, it would have been obvious to a person of ordinary skill in the art to modify the disclosure of Hudetz et al to include the teachings of O'Hagan et al. A person having ordinary skill in the art would have been motivated to use such combination in order to facilitate the manufacturer to optimize his marketing program through utilization of more accurate targeting.

As per claim 2, Hudetz et al discloses the bar code reader being provided at the user's terminal (see figure 1).

As per claims 16 and 21, Hudetz et al discloses:

Scanning identifying indicia on a product with a barcode (UPC) bar code symbol (col. 8, lines 38-43); and

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Determining at least one web site address affiliated with the scanned product utilizing a Mapping Service Provider (See figure 8 element 224; col. 9, lines 14-22).

Providing product information to the consumer by requesting and loading a web page associated with the at least one web site address (See figure 3, element 92 and col. 9, lines 54-64).

Hudetz does not explicitly disclose transmitting demographic information about the consumer to the product manufacturer by utilizing information transferred within the web page request. O'Hagan et al on the other hand, discloses a retail customer information system where a customer requests product information and allowing manufacturers to obtain demographics about customer behavior (col. 3, lines 50-55; col. 21, lines 23-57; col. 24, lines 11-57). Therefore, it would have been obvious to a person of ordinary skill in the art to modify the disclosure of Hudetz et al to include the teachings of O'Hagan et al. A person having ordinary skill in the art would have been motivated to use such combination in order to facilitate the manufacturer to optimize his marketing program through utilization of more accurate targeting.

As per claim 16, Hudetz et al further discloses wherein the identifying indicia is a uniform product code (UPC) (col. 6, lines 15-20).

As per claim 18, Hudetz et al further discloses wherein the Mapping Service Provider (MSP) employs a mapping function to match identifying indicia to a web site address from among a list of identifying indicia and web site address mappings residing in a storage device (col. 7, lines 29-42; col. 8, lines 47-63; col. 9, lines 5-13).

As per claim 19, Hudetz et al further discloses wherein the web page includes at least one link to a related web page (col. 9, lines 14-22).

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As per claim 20, Hudetz et al shows the domain name for the links. Thus, it is inherent that the domain name must go through a domain name server to translate it into the proper numerical addressing sequence use by the Internet (see figure 4; col. 5, lines 55-65).

As per claims 22-23, Hudetz et al discloses:

Scanning identifying indicia on a product with a barcode (UPC) bar code symbol (col. 8, lines 38-43); and

Determining at least one web site address affiliated with the scanned product utilizing a Mapping Service Provider (See figure 8 element 224; col. 9, lines 14-22).

Providing product information to the consumer by requesting and loading a web page associated with the at least one web site address (See figure 3, element 92 and col. 9, lines 54-64).

Hudetz does not explicitly disclose transmitting demographic information about the consumer to the product manufacturer by utilizing information transferred within the web page request.

O'Hagan et al on the other hand, discloses a retail customer information system where a customer requests product information and allowing manufacturers to obtain demographics about customer behavior (col. 3, lines 50-55; col. 21, lines 23-57; col. 24, lines 11-57). Therefore, it would have been obvious to a person of ordinary skill in the art to modify the disclosure of Hudetz et al to include the teachings of O'Hagan et al. A person having ordinary skill in the art would have been motivated to use such combination in order to facilitate the manufacturer to optimize his marketing program through utilization of more accurate targeting. Hudetz et al further shows the domain name for the links. Thus, it is inherent that the domain name must go

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through a domain name server to translate it into the proper numerical addressing sequence use by the Internet (see figure 4; col. 5, lines 55-65).

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hudetz et al and O'Hagan et al as applied to claim 1 above, and further in view of Kaplan (U.S. Patent No. 5,963,916).

As per claim 4, the combination of Hudetz et al and O'Hagan et al does not explicitly disclose providing targeted e-mails to the consumer for product announcements by the manufacturer. Kaplan on the other hand, discloses sending a product notification to a user. Note column 16, lines 16-26. It would have been obvious to a person of ordinary skill in the art to modify Hudetz et al and Powell by including an e-mail notification as taught by Kaplan. The motivation being to encourage a user to purchase certain desired products from the manufacturer thereby increasing marketing sales for the manufacturer.

Response to Argument

8. Applicant's arguments with regard to claims 1-4 have been considered but are moot in view of the new ground of rejection.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed Romain Jeanty whose telephone number is (703) 308-9585. The examiner can normally be reached Monday-Thursday from 7:30 am to 6:00 pm.

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If attempts to reach the examiner are not successful, the examiner's supervisor, Tariq R Hafiz can be reached at (703) 305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C 20231

or faxed to:

(703) 305-7687

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive,
Arlington VA, Seventh floor receptionist.



Romain Jeanty

Patent Examiner

June 30, 2003